

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

BRIGHTON CROSSING CONDOMINIUM
ASSOCIATION, ET AL.,

Plaintiffs,

v.

AMERICAN FAMILY MUTUAL INSURANCE
COMPANY,

Defendant.

No. 15-00887-CV-W-FJG

ORDER

Currently pending before the Court is plaintiffs' Motion for Leave to Depose Defendant's Expert Witness, Mark S. O'Connor (Doc. # 55), the parties' Joint Motion to Amend the Scheduling Order (Doc. # 56) and plaintiffs' Motion to Amend the Complaint by Interlineation (Doc. # 58).

On September 6, 2016, the Court granted American Family's request to depose plaintiffs' testifying expert. Plaintiffs are now seeking leave to depose Mark S. O'Connor, the defendant's expert witness. Plaintiffs state that they should be granted an equivalent right to depose defendant's expert and that allowing this deposition will allow them an opportunity to fully question Mr. O'Connor regarding the methods he used in evaluating the Brighton Crossing properties and the conclusions reached in his report. Accordingly, for good cause shown, the Court hereby **GRANTS** plaintiffs' Motion for Leave to Depose Defendant's Expert Witness, Mark S. O'Connor.

In the September 6, 2016 Order, the Court stated that the parties should meet and confer to determine if the depositions of plaintiff's expert witnesses could be

completed before the close of discovery. The Court stated that if additional time was needed, the parties should file a motion for an extension of time. The parties have now jointly moved to extend the close of discovery until November 18, 2016. However, in light of the fact that the Court has now granted plaintiffs' Motion for Leave to Depose Mark S. O'Connor, the Court will allow the parties until **December 2, 2016** to complete discovery. An Amended Scheduling and Trial Order will be issued incorporating this deadline and amending other deadlines as necessary in light of this change.

Plaintiffs have also filed an unopposed Motion to Amend the Complaint by Interlineation. Plaintiffs state that they seek to correct a small scrivener's error in the original Complaint regarding the listing of the addresses of the properties at issue in this case. Plaintiffs state that they immediately alerted defendant after discovering the scrivener's error and defendant has no objection to the amendment to correct this error. Accordingly, for good cause shown, plaintiffs' Motion to Amend the Complaint by Interlineation is hereby **GRANTED**. Plaintiffs shall file an Amended Complaint with the listed interlineations within five (5) days of the date of this Order.

Date: November 2, 2016
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge